

**MINUTES OF THE
PUBLIC UTILITIES AND TECHNOLOGY INTERIM COMMITTEE**
Wednesday, October 15 , 2003 – 9:00 a.m. – Rooms 414/416 State Capitol

Members Present:

Sen. Leonard M. Blackham, Senate Chair
Rep. Stephen H. Urquhart, House Chair
Sen. Mike Dmitrich
Sen. Peter C. Knudson
Sen. John L. Valentine
Rep. Sheryl L. Allen
Rep. Chad E. Bennion
Rep. Greg J. Curtis
Rep. Glenn A. Donnelson
Rep. Brent H. Goodfellow
Rep. Ty McCartney
Rep. Michael E. Noel
Rep. Gordon E. Snow
Rep. Michael R. Styler
Rep. David Ure

Members Absent:

Ralph Becker

Staff Present:

Mr. Richard North, Policy Analyst
Mr. Thad LeVar, Associate General Counsel
Mr. Clay Hatch, Legislative Information

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the committee secretary, Clay Hatch, at 538-1032.

1. Committee Business

Chair Urquhart called the meeting to order at 9:20 a.m.

MOTION: Senator Knudson moved to approve the minutes of the June 18, July 16, and September 17, 2003, meetings. The motion passed unanimously.

2. Unsolicited Commercial and Sexually Explicit Email: State and Federal Issues

Senator Patrice Arent presented a brief history of unsolicited email legislation in Utah and expressed her preference for comprehensive federal legislation. Senator Arent testified that Utah's current statute needs to be revised, including clarification of definitions and increasing penalties for violations.

Mr. Larry Bunkall, on his own behalf, testified that an amended unsolicited email statute should include the following: (1) treating legitimate, permission-based commercial email that is sent in error different from unsolicited email, (2) clarifying the status of "pop-up" email, and (3) addressing the litigation that has resulted from the statute.

Mr. Randy Dryer, Parsons Behle & Latimer, updated the Committee on unsolicited email litigation. He testified that 1,200 lawsuits have been filed since May 2002 and provided information relating to the status of those lawsuits. The Third District Court in Sandy has issued 20 to 25 decisions as a result of this litigation. As an example, the court has written that "pop-up" ads are not considered unsolicited email in the current statute. Mr. Dryer suggested that an amended law should include precise definitions, safe

harbor provisions, and provide meaningful relief to citizens. Attorney fees for the prevailing party should also be addressed and revised.

Mr. Jesse L. Riddle, Riddle & Associates, testified that the unsolicited email law has produced positive results. He testified that those entities who have been successfully sued have stopped sending unsolicited email. However, he testified further that the current law needs to be amended and offered, by way of a handout, nine changes needed in the current law to make it more effective. Mr. Riddle highlighted the need for citizens to have access to the courts without an attorney. Mr. Riddle also addressed the need for a "pop-up" ad definition.

Committee Discussion

Members of the Committee focused their questions on ways to identify and stop unsolicited email.

3. "Green Sticker" Program

Mr. Allan K. Allred, President and CEO of Questar Gas Company, reported that the "Green Sticker" public information campaign has reached two-thirds of their customers and approximately 25 percent of those reached have responded. Mr. Allred offered background testimony on natural gas quality and the need for customers to have their appliances checked. He questioned the lack of support for the program as reported in the press by the Committee of Consumer Services. He expressed his concern that the wrong message is being conveyed by the Committee of Consumer Services and that the effect is to undercut the program's value.

Mr. Reed T. Warnick, attorney representing the Committee of Consumer Services, testified that gas appliances should be routinely checked and vented in the normal course of use to insure the safety and efficiency of the appliances. He took issue with certain aspects of the "Green Sticker" public relations campaign. Specifically, Mr. Warnick questioned the validity of some of the underlying premises which lead to the creation and implementation of the program.

Committee Discussion

Mr. Warnick answered questions from the Committee.

4. Multi-State Process: Cost Allocation Report

Not discussed.

5. Wireless Telephone Number Portability

Not discussed.

6. Other Items/Adjourn

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Senator Blackham moved to adjourn the meeting. The motion passed unanimously.
Chair Urquhart adjourned the meeting at 11:30 p.m.